

BEFORE THE FLORIDA JUDICIAL QUALIFICATIONS COMMISSION
STATE OF FLORIDA

INQUIRY CONCERNING A
JUDGE: CYNTHIA A. HOLLOWAY
NO.: 00-143

Florida Supreme Court
Case No.: SC00-2226

**JUDICIAL QUALIFICATIONS COMMISSION'S MOTION TO EXTEND
TIME TO FILE MOTIONS AND COMPLETE DISCOVERY**

COMES NOW the Florida Judicial Qualifications Commission (hereinafter referred to as the JQC), by and through the undersigned Special Counsel, and hereby files its Motion to Extend Time to File Motions and Complete Discovery and as grounds states as follows:

1. The undersigned Special Counsel received Judge Holloway's 24 page Motion for Summary Judgment and 22 page Motion to Dismiss approximately ten days ago. In light of prior work commitments, building closures, bomb threats and building evacuations the undersigned completed the JQC's 30 page Response in Opposition to the Motion for Summary Judgment and 10 page Response in Opposition to the Motion to Dismiss on September 16 and 17, 2001 and therefore respectfully requests leave of the Hearing Panel to file the JQC's responses on the same day as the Pre-Hearing Conference.

2. The undersigned further requests additional time to file the JQC's Motions in Limine including but not limited to a motion to preclude irrelevant and embarrassing testimony concerning the underlying facts relating to Detective John Yaratch's custody case as well as the unproven allegations of sexual abuse against Mr. Mark Johnson.

3. The undersigned respectfully requests leave of court to extend the time period allowed for discovery in order to take discovery depositions of Ms. Jeanne Tate and Mr. James Holloway. The depositions were scheduled for September 12, 2001 and cancelled due to the acts of terrorism of September 11, 2001 and the subsequent grounding of air travel. In addition, the undersigned requests additional time to take a second deposition of Judge Holloway previously noticed for September 14, 2001 and cancelled due to opposing counsel's claim that they would be seeking a protective order.

4. Additional time is needed to conduct discovery pursuant to Judge Holloway's pre-hearing statement received by the undersigned by facsimile on September 12, 2001. Said pre-hearing statement lists 11 character witnesses; 22 witnesses to allegedly refute "pattern" testimony regarding Judge Holloway's demeanor and courtroom conduct as well as misuse of judicial authority; 4 witnesses to allegedly rebut or impeach the testimony of Detective John Yaratch; 5 witnesses to allegedly rebut or impeach the testimony of Mark Johnson; an unnamed representative of Hillsborough county who will allegedly testify regarding illegal and improper conduct of Calvin Franklin Dick (tree cutter) and 1 witness who will allegedly testify regarding the investigative conduct of JQC investigator Robert Butler. Although the undersigned has no intention of depositing all witnesses listed we request leave of Court to conduct reasonable discovery depositions regarding the new witnesses provided to the JQC only 5 days ago.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was served by hand delivery on: Scott K. Tozian, Esquire, SMITH & TOZIAN, P.A., 109 North Brush Street, Suite 150, Tampa, Florida 33602; Michael S. Rywant, Esquire, RYWANT, ALVAREZ, JONES, RUSSO & GUYTON, P.A., 109 North Brush Street, Suite 500, Tampa, Florida 33602; and the Honorable James R. Jorgenson, Chair, Hearing Panel, Third District Court of Appeals, 2001 S.W. 117th Avenue, Miami, Florida 33175-1716; and by U.S. Mail on: Honorable Thomas D. Hall, Clerk, Supreme Court of Florida, 500 Duval Street, Tallahassee, Florida 32399-1927; John Beranek, Esquire, AUSLEY & MCMULLEN, Washington Square Building, 227 Calhoun Street, P.O. Box 391, Tallahassee, Florida 32302; Honorable James R. Wolf, Chairman, Investigative Panel, 301 S. Martin Luther King Blvd., Tallahassee, Florida 32399; and Brooke Kennerly, Executive Director, Judicial Qualifications Commission, Mount Vernon Square, 1110 Thomasville Road, Tallahassee, Florida 32303, this _____ day of September, 2001.

CERTIFICATE OF FONT SIZE

I hereby certify that type font used in this document is 14-point Times New Roman.

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